USDA United States Department of Agriculture | Forest Service | Region One | Northern Region
200 East Broadway
Missoula, MT 59802

File Code: 1570 (215)
#12-01-00-0073

Date: June 4, 2012

Sara Jane Johnson
Native Ecosystems Council
PO Box 125
Willow Creek, MT 59760

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
NUMBER: 7011 0110 0001 4030 3222

Dear Ms. Johnson:

This is my decision on the disposition of the appeal you filed, on behalf of Native Ecosystems Council, Alliance for the Wild Rockies and Western Watersheds Project, regarding the Trapper Creek Vegetation Management DN/FONSI, signed by the Forest Supervisor of the Beaverhead-Deerlodge National Forest.

My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.18 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. I have reviewed the appeal record, including your arguments, the information referenced in the Forest Supervisor's May 9, 2012 transmittal letter, and the Appeal Reviewing Officer's analysis and recommendation (copy enclosed). The transmittal letter provides the specific page references to discussions in the DN and project file, which bear upon your objections. I specifically incorporate in this decision the appeal record, the references and citations contained in the transmittal letter, and the Appeal Reviewing Officer's analysis and recommendation.

The Appeal Reviewing Officer has considered your arguments, the appeal record, and the transmittal letter and recommends the Forest Supervisor's decision be affirmed and your requested relief be denied.

Based upon a review of the references and citations provided by the Forest Supervisor, I find the objections were adequately considered and addressed in the DN/FONSI. I agree with the Appeal Reviewing Officer's analysis and conclusions in regard to your appeal objections. I find the Forest Supervisor has made a reasoned decision and has complied with all laws, regulations, and policy.

After careful consideration of the above factors, I affirm and approve the Forest Supervisor's decision to implement the Trapper Creek Vegetation Management Project. Your requested relief is denied.

Sincerely,

Jane L Cottrell

JANE L. COTTRELL
Deputy Regional Forester

cc: Dave Myers, Jan M Bowey, Ray G Smith, Kim Smolt

USDA United States Department of Agriculture | Forest Service | Dakota Prairie Grasslands | 240 W. Century Ave. Bismarck, ND 58503

File Code: 1570 **Date:** May 31, 2012

Route To:

Subject: 1570 (215) A&L - ARO Letter - Trapper Creek Veg - B-D NF - NEC/AWR/WWP - #12-01-00-0073

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Sara Jane Johnson, on behalf of Native Ecosystem Council, Alliance for the Wild Rockies and Western Watersheds Project, of the Trapper Creek Vegetation Management Decision Notice on the Beaverhead-Deerlodge National Forest.

The Forest Supervisor's decision adopts slashing small-diameter conifers within and on the edges of sagebrush and grass parks on approximately 3,070 acres; slashing small diameter conifers and creating snags on approximately 230 acres of aspen and riparian areas; slash, pile and burn conifers within mountain mahogany stands on approximately 100 acres; and broadcast (mosaic) burn sagebrush parks experiencing conifer colonization. No roads will be constructed and no commercial harvest will occur. The project is designed to meet Forest Plan objectives.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellants' objections and recommended changes, has been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

The appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Endangered Species Act (ESA), and the Administrative Procedures Act (APA). The appellants request a reversal of the DN. An informal meeting was held but no resolution of the issues was reached.

ISSUE REVIEW

Issue A – The Forest Service will violate the NFMA by failing to apply the current best science to the Trapper Creek Vegetation Management Project.

Contention A1: The appellants allege the science regarding potential effects of cowbird impacts on songbirds from burning sagebrush was not identified or considered for the Project.

Response: The National Environmental Policy Act (NEPA) regulations state that agencies shall insure the professional integrity, including scientific integrity, of the discussion and analyses in environmental impact statements. Methodologies used and scientific sources relied upon for

conclusions are to be identified (40 CFR 1502.24). The Forest Service extends this tenet to environmental assessments.

In the DN/FONSI (p. 8), the Deciding Official stated: "I am confident that the document is thorough, easy to read, and illustrates with clear writing and photographs the type of actions this decision authorizes and the predicted effects of implementation. We have considerable experience with this type of action in the project area and have based many of the conclusions on monitoring data collected on projects of a similar type on the Forest as well as the best available scientific research including research done in close proximity to the project area in the same vegetation types. The combination of both site-specific monitoring data and peer-reviewed best available science informing the conclusions in the EA give me great confidence that the conclusions reached in the EA are highly accurate and scientifically sound."

The DN/FONSI (p. 23) further states, "I am confident the analysis of this project was conducted using the best available science. My conclusion is based on a review of the record that shows my staff conducted a thorough review of relevant scientific information, and considered responsible opposing views, including those submitted by the public during comment periods. Please refer to the specialist reports in the project file for specific discussions of the science and methods used for analysis and for literature reviewed and referenced, as well as Appendix B for a list of references submitted during public comment."

The science used to evaluate brown-headed cowbird impacts was identified. Research citations considered in the analysis appear in the EA (pp. 110 and 145) in the discussions on range management and migratory birds. The scientific literature supporting the EA analysis of cowbird parasitism included the following: Gougen & Mathews 2001 (PF Doc. D-79); Holcomb 1974 (PF Doc. D-99), Sedgwick & Knopf 1988 (PF Doc. D-174), and MNHP 2011 (PF Doc. D-133).

Literature submitted by the appellants after the analysis is complete and a decision has already been made is incorporated into the record, but of course would not appear in previous documents associated with this project.

The interdisciplinary team (IDT) responses to comments about cowbirds were published with the EA (Appendix B; Comment 4.82, p. B-109; Comment 4.86, p. B-111).

The Agency is in compliance with the methodology and scientific accuracy standard under 40 CFR 1502.24.

Contention A2: The appellants allege the agency failed to address the current science regarding Forest Service methodology for measuring the canopy cover of sagebrush

Response: The Forest Service identifies methodologies used and scientific sources relied upon for conclusions regarding sagebrush.

The EA (pp. 24-25 and 31) describes the methodology used. How and when sagebrush surveys were conducted is identified. Sample design and a description of the line intercept method is

included in the sage-grouse discussion (EA, p. 126). The line intercept method is a standard, repeatable, unbiased technique in measuring sagebrush (EA, Appendix B, p. B-97, Comment 4.56 from the appellants). The field notes and data from sagebrush line transects are in the project record (PF Docs. C9-13 & C9-14).

Literature submitted by the appellants after the analysis is complete and a decision has already been made is incorporated into the record, but of course would not appear in previous documents associated with this project.

Contention A3: The appellants contend that the agency failed to consider the current best science in the claim that burning sagebrush will increase the understory density of grasses and forbs.

Response: The agency is required to insure scientific integrity in analyses. The EA includes disclosures of scientific literature and local monitoring describing the effects of prescribed fire and absence of fire on sagebrush communities (pp. 17, 18, 24, 31, 33, 40-42 & 108). Information and scientific references pertaining to reduction of herbaceous understory due to decreased fire frequency and herbaceous cover after prescribed fire are in the EA (pp. 33, 128-132, & 141). More scientific references are included in the IDT response to the comment about conclusions that herbaceous forage increases after prescribed fire (EA, Appendix B, p. B-90, Comment 4.39). The scientific literature supporting the EA analysis of sagebrush burning included the following: Connelly et al. 2004 (PF Doc. D-45, p. I-2); Crawford et al. 2004 (PF Doc. D-51, p. 2); Huber-Sannwald & Pyke 2005, (PF Doc. D-102, p. 299); Pyle & Connelly 1996 (PF Doc. D-153, p. 323); Wrobleski & Kauffman 2003 (PF Doc. D-239, p. 88).

Contention A4: The appellants contend the agency failed to discuss the various science reports regarding the critical status of sagebrush ecosystems in the western United States or the reasons for this status.

Response: The EIS for the Revised Forest Plan identifies conifer encroachment as the likely cause of the reduction in sagebrush in the landscape (EIS, pp. 464-465). The Trapper Creek EA cites Heyerdahl et al. 2006, Connelly (1997, 1988, 2000, 2004), Commons (1999) and others throughout the assessment, as well as in responses to comments from the appellants published in Appendix B. Analysis was also based on sagebrush vegetation information in the Pioneer Landscape Assessment (PF Doc. C1-10). The existing status of sagebrush is summarized nicely in the EA (pp. 23-25) and is reflected in the purpose and need to reduce conifer encroachment in order to move sagebrush habitat closer to historical levels.

I find the status of sagebrush ecosystems discussed and analyzed in the Trapper Creek EA meets the 40 CFR 1502.24 NEPA standard for methodology and scientific integrity.

Contention A5: The appellants allege that the agency failed to cite/discuss the numerous science reports that chronicle the vulnerable status of many birds and mammals associated

with sagebrush ecosystems. They contend habitat requirements of many bird species associated with sagebrush were never identified or considered as the current best science in project development.

Response: The EA did not fail to reveal scientific resources relied upon for conclusions in the EA. For example, the EA contains discussion and scientific references pertaining to the existing condition of sagebrush wildlife habitat due to fire suppression (p. 108). There is also analysis and cited literature pertaining to the cumulative effects of range management and livestock grazing to wildlife, including ground nesting birds and small mammals (p. 110).

The environmental consequences (direct, indirect and cumulative effects) of the proposed action to species using sagebrush and juniper, including bighorn sheep, Great Basin pocket mouse, sage grouse, pygmy rabbit, elk and migratory birds is located in the EA (bighorn sheep, gray wolf, Great Basin pocket mouse, sage grouse - pp. 120-134; MIS species elk and mountain goat - pp. 140-141; migratory birds - pp. 144-146).

The analysis in the EA recognizes the value of maintaining mid-to-late-seral sagebrush habitats not only for sage grouse and pygmy rabbit, but for all sagebrush obligate species (EA, pp. 129 & 134). The EA discloses and cites pertinent literature and science used to determine the effects of the proposed action on migratory birds (EA, pp. 144-146).

The appellants may also reference IDT response to their comment about Cassin's finch, loggerhead shrike and merlin in the project record (EA, Appendix B, p. B-100, Comment 4.69).

The MOU between BDNF and Region 3, MFWP (sagebrush MOU) is located in the project file and cited throughout the DN/FONSI and EA (PF Doc. C1-6).

Concerns about sage thrasher, green-tailed towhee, Brewer's sparrow, sage sparrow, vesper sparrow, lark sparrow and black-tailed jackrabbit raised in this appeal were not raised during the 30-day EA comment period or in initial scoping responses.

The Agency is in compliance with the methodology and scientific accuracy standard under 40 CFR 1502.24 in regard to the science used in analyzing the proposed action's effects upon birds and mammals associated with the sagebrush ecosystems within the Trapper Creek Analysis Area.

Contention A6: The appellants allege the current best science regarding management of sage grouse nesting and early brood-rearing habitat was not applied to the Project.

Response: The EA contains an in depth analysis of the existing condition and effects of the proposed action to sage-grouse habitat, including literature citations (pp. 124-132). Please reference the following IDT responses to comments about sage grouse nesting and early brood-rearing habitat in the EA, Appendix B:

- Comment 1.9 (p. B-22)

- Comments 4.12 & 4.13 (p. B-78)
- Comments 4.23 & 4.24 (pp. B-82 thru B-84)
- Comments 4.41 & 4.42 (pp. B-91 and B-92)

Please reference the following scientific literature supporting the EA analysis of the effects of fire and conifer removal on sage grouse habitat:

- Connelly et al. 2000 (PF Doc. D-44, p. 971)
- Connelly et al. 2004 (PF Doc. D-45, p. 4-8)
- MSGWG 2005 (PF Doc. D-136, p. 27)
- Pyles & Crawford 1996 (PF Doc. D-153, p. 323)

Also reference the literature supporting the EA analysis of the effects of fire to create a mosaic for late brood rearing habitat (Connelly et al. 2000, PF Doc. D-44, p. 980). The EA also includes discussion and scientific references pertaining to the existing condition of sagebrush wildlife habitat due to fire suppression (p. 108).

Finally, the DN discloses design features associated with the proposed action to reduce impacts to denning and nesting animals and birds (p. 7). One of the design features includes implementation of the MOU with MFWP that calls for treatment of sagebrush/grassland habitat to be done so that no point within the blackened area will be more than 600 feet from an unburned edge and no more than 50% of the treatment area will be blackened (DN, p. 8).

The Agency is in compliance with the methodology and scientific accuracy standard under 40 CFR 1502.24 in regard to the science used in analyzing the proposed action's effects upon sage-grouse nesting and early brood-rearing habitat within the Trapper Creek Analysis Area.

Issue B – The Forest Service will violate the NEPA, the NFMA and the APA if the Trapper Creek Project is implemented as site-specific implementation of the RFP due to inadequacies of the both the RFP and the Trapper Creek NEPA analysis regarding the NEPA and the NFMA. [sic]

Contention B1: The appellants allege that the Forest Service has falsely implied that sagebrush burning will only be a temporary disturbance rather than a long term habitat loss for wildlife. The appellants further allege that that the direct and indirect short-term impacts of habitat loss and fragmentation due to sagebrush burning on wildlife were never evaluated.

Response: The Forest is in compliance with NEPA and NFMA as they have thoroughly displayed that sagebrush burning results in only a temporary disturbance of wildlife habitat. In fact, by reducing conifer encroachment in sage/grass/mountain mahogany/willow/aspen vegetation communities, habitat will be enhanced for several sensitive wildlife species as discussed in the wildlife section of the EA and the FONSI (p. 9). Furthermore, the Forest Service has adopted design features that are included in the FONSI to reduce impacts to denning and nesting animals and birds (p. 7). The EA (p. 33) describes how mosaic burning prescribed in MOU with MFWP provides for a quicker return for re-establishment of sagebrush. Furthermore,

habitat will be improved long term due to the existing condition of the sagebrush wildlife habitat due to fire suppression (EA, p. 108). Effects of the proposed action to species using sagebrush including bighorn sheep, Great Basin pocket mouse, sage grouse, pygmy rabbit and elk are discussed in the EA (pp. 120-134 and 140-141). The Forest Service received input in the form of EA comment letters and scoping from MFWP concerning the long-term and short-term effects of wildfire and incorporated this information into the decision (EA, Appendix B, pp. B-69 thru B-70 and B-90; PF Docs. B1-13 & B3-3).

With regard to the appellants' challenge, I find that the Trapper Creek Vegetation Management project is appropriately representing the effects of sagebrush burning to both short and long-term habitat loss for wildlife.

Contention B2: The appellants contend that the Forest Service has failed to disclose that the purpose of the project is to increase forage production for livestock. They also allege that the Forest Service failed to assess the direct, indirect and cumulative impacts of livestock grazing.

Response: The purpose of this project is not to increase forage production for livestock. The purpose and need of the project is to reduce conifer encroachment in riparian areas, sage and grass parklands, and mountain mahogany and increase the aspen component (DN/FONSI, pp. 8-9; EA, p. 2). Furthermore, the cumulative effects analysis includes the effects of range management/livestock grazing in the wildlife report and concludes by affirming that, "All range allotments within the analysis area are being managed under rest-rotation grazing system, which can be adjusted to accommodate proposed vegetation management activities, including protection of burned sites until they have sufficiently recovered" (EA, pp. 110-111). Furthermore, the cumulative effects are discussed in detail including livestock grazing effects to Great Basin pocket mouse, sage grouse and migratory birds (EA, pp. 123-124, 128, 131 and 145). Additionally, the IDT responded to multiple comments regarding livestock forage production and cumulative effects on wildlife (EA, Appendix B, Comment 4.71, p. B-100; Comment 4.78, p. B-107; Comment 4.86, p. B-111).

In accordance with NFMA, the Forest Plan monitoring requirements are detailed for restoring aspen, grassland/shrublands and sage grouse brood rearing habitat (Forest Plan PF Doc. C1-13, pp. 276-277). This finding is further supported by the Reviewing Officer for the Chief's appeal determination (for appeals filed under 36 CFR 217) concerning the adequacy of FEIS analysis addressing the range of wildlife species affected by livestock grazing (Forest Plan PF Doc. I4-5, p. 40) and the Reviewing Officer for the Chief's appeal determination (for appeals filed under 36 CFR 217) concerning the adequacy of the Revised Forest Plan MIS selection and monitoring (*Ibid.*, pp. 81-83).

In conclusion, with regard to the appellants' challenge, I find that the Trapper Creek Vegetation Management project clearly discloses to the public the purpose and need of the project and fully considered the indirect and cumulative impacts of livestock grazing and responded appropriately. Furthermore, with regard to the Forest Plan, the Forest Service has adequately documented and considered impacts of livestock grazing, including management indicator species.

Contention B3: The appellants contend that the RFP fails to protect sage grouse habitat and that the long-term viability of this species on the BDNF is at risk. Furthermore, the Trapper Creek project demonstrates this oversight and the guidelines for sage grouse management are not appropriately considered.

Response: The BDNF Forest Plan lays out goals, objectives and standards for sage grouse (pp. 45, 47 and 49). These goals, objectives and standards clearly identify requirements for providing suitable sage-grouse brood rearing habitat that will be maintained or improved and the standards set forth to accomplish this goal. Furthermore, design features that limit the dates of sawing and burning are included in the FONSI to protect nesting birds and active sage grouse leks (DN, p. 7). In addition, the FONSI (pp. 22-23) discloses the consistency of this project with the Forest Plan and concludes "the determination for the greater sage grouse…is "beneficial impact"." In further detail, the EA (pp. 130-132) describes the consistency of the proposed action with the Forest Plan and sage grouse management guidelines (including Connelly et al. 2000).

For in depth responses to comments regarding the adequacy of analysis in the Forest Plan FEIS and application to the project, see the following response to comments in the EA, Appendix B:

- Comments 4.16-4.25 (pp. B-79 thru B-84)
- Comments 4.31 and 4.32 (p. B-87)
- Comment 4.39 (p. B-90)

This topic is also discussed in the Reviewing Officer for the Chief's appeal determination (for appeals filed under 36 CFR 217) concerning the adequacy of the Revised Forest Plan analysis for impact of sagebrush burning on sage grouse (Forest Plan PF Doc. I4-5, pp. 53-54).

In conclusion, with regard to the appellants' challenge, I find that the Trapper Creek Vegetation Management project adequately describes how both the Forest Plan and the Trapper Creek Project EA adequately protect sage grouse habitat and the long-term viability of this species on the BDNF.

Contention B4: The appellants contend that the agency's claims that burning sagebrush will benefit wildlife are implausible, conflict with current science, conflict with monitoring data gathered for the Project, and are a misrepresentation to the public regarding the purpose of the project. They furthermore contend that the forest service failed to identify adverse impacts that will result on wildlife species associated with sagebrush. Furthermore the appellants contend that the agency has failed to evaluate cumulative impacts of past and planned sagebrush burning projects and has failed to conduct inventories of wildlife species known to be sensitive due to habitat loss of sagebrush, demonstrating that the project is a forage enhancement project rather than a preservation project for sage brush and associated species.

The appellants further contend that the Forest Plan has no indicator species for sagebrush and ecotone habitats and that the agency is failing to monitor management impacts on 74,000 acres where treatments are planned. The appellants further uphold that the removal of conifers from seral sagebrush communities is being done without any wildlife inventories or

habitat objectives. As a result, the appellants contend that this will have significant detrimental impact on some species because of a lack of habitat planning. Furthermore, the appellants assert that the Forest Plan does not have management objectives and standards for the management of big game winter range and big game fawning/calving habitat and that many of these winter range/calving/fawning areas lie within the 74,000 acres of encroachment areas that are to be treated during RFP implementation.

Response: In congruence with NEPA, the FONSI and the EA analyze cumulative effects of proposed actions to species using sagebrush, including bighorn sheep, Great Basin pocket mouse, sage grouse, pygmy rabbit and elk (DN, p. 19; EA, pp. 120-134 and 140-141). Furthermore, the IDT responded to multiple comments regarding the adequacy of analysis in the Forest Plan FEIS and application to the project (EA, Appendix B, p. B-90, Comment 4.39 and p. B-95, Comment 4.53). Wildlife monitoring surveys conducted in the project area can be found in the project file (PF Docs. C9-13, C9-15, C9-16, C9-17 and C9-18). These surveys show monitoring data collected for the analysis and results are discussed in the Terrestrial Wildlife report in the EA (pp. 102-146).

The Forest Plan objectives for grassland/shrubland/riparian areas are to reduce conifer encroachment on 74,000 acres of riparian areas, shrublands, and grasslands (PF Doc. C1-13, p. 44). Furthermore, the goals for wildlife - including indicator species - are described in the Forest Plan (PF Doc. C1-13, p. 45). Additional management objectives are reinforced in the Reviewing Officer for the Chief's appeal determination (for appeals filed under 36 CFR 217) concerning the failure to disclose the purpose of ecotonal burning is to increase forage for livestock (Forest Plan PF Doc. I4-5, pp.13); concerning the adequacy of the Revised Forest Plan analysis of big game winter range and fawning/calving areas *(Ibid.,* pp. 80-81); and concerning the adequacy of the Revised Forest Plan MIS selection (*Ibid.*, pp. 81-82). Additionally, the adequacy of Forest Plan objectives and standards for management of big game habitat related to treatment of conifer encroachment was not appealed under 36 CFR 217.

In conclusion, with regard to the appellants' challenge, I find that the Trapper Creek Vegetation Management project is not in conflict with NEPA or NFMA and is correctly representing all available information regarding the purpose of the project and any impacts, adverse or otherwise, to the public.

Contention B5: The appellants contend that the Forest Plan fails to protect aspen ecosystems from degradation and destruction from livestock grazing and that this failure is demonstrated in the Trapper Creek site specific application of the Forest Plan for aspen management.

The Forest Service is in compliance with NEPA and NFMA based on their full disclosure of analysis of impacts on related resources, including associated wildlife species. The Decision Notice specifically states in the decision rationale (pp. 8-9) that this project will help achieve the Forest Plan Objective for vegetation to increase the aspen component. This objective is further detailed in the Forest Plan (PF Doc. C-113, p. 44).

The FONSI discloses the effectiveness of this aspen treatment in the Decision Notice (p. 18). A discussion of the cumulative effects of vegetation management on aspen and wildlife can be found in the EA (pp. 111-112). The EA discusses in detail the effects of the proposed action on aspen on big game winter range (pp. 140-141) and migratory birds (p. 145). Furthermore, the Interdisciplinary Team responded to multiple comments about the need for fencing to protect aspen from livestock browsing (EA, Appendix B, pp. B-72 & 73, Comments 4.1 & 4.2) and asserts that Forest-level monitoring indicates that fencing for aspen is necessary for stand replacement treatments and that non-stand replacement treatments, such as conifer clearing, is effective in stimulating long-term sprouting even without fencing. Furthermore, the analysis in the EA shows that the purpose and need of this project will be achieved by the proposed action. Further direction is given to this end by the Reviewing Officer for the Chief's appeal determination (for appeals filed under 36 CFR 217) concerning the adequacy of the Revised Forest Plan analysis of effects of livestock grazing on aspen (Forest Plan PF Doc. I4-5, pp. 33-34).

In conclusion, with regard to the appellants' challenge, I find that the Trapper Creek Vegetation Management project in conjunction with the Forest Plan and in compliance with NEPA and NFMA, fully discusses the effects and purpose of the project to increase the aspen component in accordance with the Forest Plan objective for vegetation.

Issue C: The Forest Service will violate the Roadless Area Conservation Rule due to management actions planned within Inventoried Roadless Areas (IRAs) in the Project Area; the agency will also violate the NEPA and the NFMA by claiming that actions in IRAs are mimicking natural processes and will promote biodiversity and ecosystem natural processes.

Contention C-1: The appellants assert that the Forest Service has made false claims to the public regarding the impacts of the project on IRA's, and failed to provide monitoring data to support claimed benefits. The appellants also assert that the agency failed to identify if any of the burning will occur in communities dominated by Wyoming big sagebrush.

Response: The Roadless Rule (36 CFR § 294.13) states timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that it is needed to maintain or restore the characteristics of ecosystem composition and structure.

The Roadless Area Conservation Rule includes a limited authorization of timber cutting for the purpose of maintaining or restoring the characteristics of ecosystem composition and structure. While this project is not a restoration project, the purpose and need of this project are to move toward achievement of Forest Plan goals and objectives for vegetation. The appellants appear to have omitted the words "maintain or" in their citation of 294.13(b)(1)(ii). Also, the term "restoration burning" is not located anywhere in the EA or DN. The EA makes no claims regarding restoring disturbance processes or restoring ecosystem processes. Monitoring results of broadcast burning in the McVey and Doolittle Projects on the nearby Wisdom Ranger District are shown in Table 17 of the EA (p. 100). The Forest Plan does not differentiate between sagebrush species. This site specific EA takes a closer look at the differing species. Mountain big

sagebrush is shown as the most common sagebrush community type in the assessment area (EA, p. 24). All of these sagebrush steppe community types historically included a large grass component and fire was the dominant agent of change. The response to comments provide additional evidence that the proposed treatments will benefit and not degrade wildlife habitats in IRA's (EA, Appendix B, Comment 4.12, p.B-78 and Comment 4.100, p. B-118).

With regard to the appellants' challenge, I find that the Forest Service will not violate the Roadless Conservation Area Rule by implementation of this project. I further find that the Forest Service has not made false claims with regard to the impacts of the project on IRA's, and that monitoring data is available in the EA.

RECOMMENDATION

I have reviewed the record for each of the contentions addressed above and have found that the analysis and decision adequately address the issues raised by the appellants. I recommend the Forest Supervisor's decision be affirmed and the appellants' requested relief be denied.

Nancy Peak

NANCY PEAK
Acting Grasslands Supervisor